

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 2-11 and 14-19 have been cancelled without prejudice, and claims 1, 12, and 13 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 12, and 13 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Response and Request for Reconsideration because claims 2-11 and 14-19, which were rejected in the Final Office Action, have been canceled thereby at least reducing the issues for appeal.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Emphasis added). Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action at page 2, numbered item 3, claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,208,659 to Govindarajan, et al. Of the rejected claims, independent claims 1, 12, and 13 remain pending. This rejection is traversed and reconsideration is respectfully requested.

Independent claim 1 is directed to an advertising method for distributing advertisements to user terminals on a network from an awareness device for managing user status. Independent claims 1 has been amended to recite "storing as a status-setting alternative for a primary user a symbol representing an advertiser, the symbol being obtained by a user terminal of the primary user from a system of the advertiser," "accepting a request to set the symbol obtained by the user terminal of the primary user as a status of the primary user, said request being sent from the system of the advertiser when the system of the advertiser offers a coupon to the primary user," and "distributing to a user terminal used by a secondary user the symbol

obtained by the user terminal of the primary user as the status of the primary user via the network." Independent claims 12 and 13 have been amended to recite similar features. Support for these amendments to claims 1, 12, and 13 can be found in the originally filed Specification, for example, at least at paragraphs 0159 and 0188-0191, and Figs. 7 and 17.

Applicants respectfully submit that Govindarajan, et al. fails to teach or suggest that a symbol is obtained by the primary user from an advertiser, or that the advertiser sends a request to set a user status to the awareness server when the advertiser offers a coupon to the primary user. Thus, Applicants respectfully submit that Govindarajan, et al. fails to teach or suggest "storing as a status-setting alternative for a primary user a symbol representing an advertiser, the symbol being obtained by a user terminal of the primary user from a system of the advertiser," "accepting a request to set the symbol obtained by the user terminal of the primary user as a status of the primary user, said request being sent from the system of the advertiser when the system of the advertiser offers a coupon to the primary user," and "distributing to a user terminal used by a secondary user the symbol obtained by the user terminal of the primary user as the status of the primary user via the network," as recited in amended independent claim 1. Accordingly, Applicants respectfully submit that amended independent claim 1, and claims 12 and 13, which have been amended to recite features similar to those of amended independent claim 1, patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

Serial No. 09/771,692

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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